

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DEMOCRACY RISING PA,</b>	:	<b>CIVIL ACTION NO. 1:07-CV-0860</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN R. CELLUCI, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 12th day of July, 2007, upon consideration of defendants' motion to dismiss or for a stay of proceedings (Doc. 12), requesting a stay of the pretrial and trial schedule in the above-captioned case until the preliminary injunction issued against defendants by the United States District Court for the Eastern District of Pennsylvania in the case of Pennsylvania Family Institute v. Celluci, Civil Action No. 2:07-CV-1707 is lifted, and it appearing that plaintiff Democracy Rising seeks to prohibit defendants from enforcing the Appears to Commit Clause of Canon 7B(1)(c) of the Pennsylvania Code of Judicial Conduct (see Doc. 1 at 22-24), and that the preliminary injunction issued by the United States District Court for the Eastern District of Pennsylvania in Pennsylvania Family Institute prohibited defendants from enforcing the same clause (Civil Action No. 2:07-CV-1707, Doc. 16 at 17, 26-27), and the court finding that a stay of these proceedings will promote judicial economy by avoiding duplicative litigation, see Smithkline Beecham Corp. v. Apotex Corp., No. 99-CV-4304, 2004 WL 1615307, at \*7 (E.D. Pa. July 16, 2004) (citing Cheyney State Coll. Faculty v. Hufstedler, 703 F.2d

732, 737-38 (3d Cir. 1983)), that a balancing of the hardships weighs in favor of the requested stay,<sup>1</sup> see Smithkline, 2004 WL 1615307, at \*7, and that the indefinite duration of the requested stay can be remedied by the filing of periodic status reports, see id., it is hereby ORDERED that defendants' motion to dismiss or for a stay of proceedings (Doc. 12) is GRANTED in part as follows:

1. The pretrial and trial schedule in the above-captioned case is STAYED until the preliminary injunction issued against defendants in the United States District Court for the Eastern District of Pennsylvania is lifted.
2. Counsel for defendants shall file periodic status reports advising the court of the status of the aforementioned preliminary injunction. The first such report shall be due on or before September 1, 2007, and subsequent reports shall be due every ninety days thereafter.
3. The motion to dismiss or for a stay of proceedings (Doc. 12) is otherwise DENIED without prejudice.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> Plaintiff argues that granting the requested stay would hinder judicial candidates' free speech. (See Doc. 17 at 11-12.) Plaintiff's argument is unavailing because the preliminary injunction issued by the Eastern District clearly permits judicial candidates to speak without fear of enforcement of the disputed canon. Plaintiff's rather specious remaining argument *contra* a stay of proceedings — regarding a loss of potential attorney fees — is clearly outweighed by the significant hardship that would be faced by defendants if they were required to continue with pretrial preparation of two largely duplicative cases. (See id.)